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5 *Attorneys for Plaintiff and the Classes*

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN JOSE DIVISION**

9 **LOUIS FLOYD**, individually and on behalf
10 of all others similarly situated,

11 Plaintiff,

12 v.

13 **SARATOGA DIAGNOSTICS, INC.**, a
California Corporation, and **THOMAS**
14 **PALLONE**, an individual,

15 Defendant.

Case No. 5:20-cv-01520-LHK

**STATUS REPORT AND REQUEST TO
VACATE CASE MANAGEMENT
CONFERENCE**

16 Plaintiff Louis Floyd (“Floyd” or “Plaintiff”) respectfully provides the following status
17 report and requests that the Court vacate the case management conference scheduled for October
18 21, 2020. In support of this request, Plaintiff states as follows:

19 1. Plaintiff filed his Class Action Complaint (“Complaint”) on March 1, 2020,
20 Saratoga Diagnostics, Inc. (“Saratoga”) and Thomas Pallone (“Pallone”) (collectively
21 “Defendants”). (Dkt. 1.)

22 2. On August 5, 2020, this Court granted Plaintiff’s Renewed Motion for Order
23 Regarding Alternative Service. (Dkt. 24.) In doing so, the Court deemed service on Pallone
24 sufficient on July 13, 2020. (*Id.*) Further, the Court permitted Plaintiff to serve Defendant
25 Saratoga via the California Secretary of State pursuant to California Corporations Code Section
26 1702(a). (*Id.*)

3. Plaintiff served Defendant Saratoga via the California Secretary of State on August 17, 2020 (dkt. 27), placing its deadline to respond to Plaintiff's Complaint on September 8, 2020.

4. Neither defendant appeared nor responded to Plaintiff's Complaint in any fashion.

5. On October 14, 2020, the Clerk of Court entered default against Defendant Saratoga. (Dkt. 29.)

6. Also, on October 14, 2020, Plaintiff filed his request for entry of default against Defendant Pallone. (Dkt. 31.)

7. Because neither defendant has appeared, Plaintiff respectfully requests that the Court vacate the Case Management Conference scheduled for October 21, 2020.

8. Once default is entered with respect to Pallone, Plaintiff intends to file a motion for class certification in this action within seven (7) days.

9. Therefore, Plaintiff respectfully requests that the Court vacate the Case Management Conference and for such additional relief as the Court deems necessary and just.

Respectfully submitted,

Dated: October 14, 2020

LOUIS FLOYD, individually and on behalf of all others similarly situated,

By: s/ Taylor T. Smith
One of Plaintiff's Attorneys

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Counsel for Plaintiff and Putative Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on October 14, 2020.

/s/ Taylor T. Smith